

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1058

**Introduced by Assembly Member Baker
(Principal coauthor: Assembly Member Gatto)**

February 26, 2015

An act to amend Section 44691 of the Education Code, relating to pupil safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1058, as amended, Baker. Pupil safety: child abuse prevention: training.

Existing law requires the State Department of Education, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, to take certain actions relating to the detection and reporting of child abuse, including, among other things, developing and disseminating information to local educational agencies, as specified, and state special schools and diagnostic centers regarding the detection and reporting of child abuse.

This bill would require the State Department of Education to establish ~~guidelines and best practices regarding child abuse prevention, best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs~~, and to post on its Internet Web site links to existing training resources. The bill would encourage local educational agencies, as specified, and state special schools and diagnostic centers to participate in ~~child abuse prevention~~ training *on the prevention of*

abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and also encourage them to provide school employees with ~~that training in child abuse prevention~~ at least once every 3 years.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares both of
2 the following:

3 (1) In 2014, there were over six million pupils in California,
4 and existing research suggests that 600,000 of these pupils will
5 experience some level of abuse, including sexual misconduct, by
6 school personnel.

7 (2) The problem can be addressed only if school personnel are
8 made aware of the problem and receive appropriate training on
9 how they can better protect children.

10 (b) The intent of the Legislature in enacting this act is to address
11 training and awareness of school personnel on best practices to
12 prevent circumstances that allow the abuse of a child on school
13 grounds, by school personnel, or in school-sponsored programs.

14 ~~SECTION 1.~~

15 SEC. 2. Section 44691 of the Education Code is amended to
16 read:

17 44691. (a) The State Department of Education, in consultation
18 with the Office of Child Abuse Prevention in the State Department
19 of Social Services, shall do all of the following:

20 (1) Develop and disseminate information to all school districts,
21 county offices of education, state special schools and diagnostic
22 centers operated by the State Department of Education, and charter
23 schools, and their school personnel in California, regarding the
24 detection and reporting of child abuse.

25 (2) Provide statewide guidance on the responsibilities of
26 mandated reporters who are school personnel in accordance with
27 the Child Abuse and Neglect Reporting Act (Article 2.5
28 commencing with Section 11164) of Chapter 2 of Title 1 of Part
29 4 of the Penal Code). This guidance shall include, but not
30 necessarily be limited to, both of the following:

31 (A) Information on the identification of child abuse and neglect.

1 (B) Reporting requirements for child abuse and neglect.

2 (3) Develop appropriate means of instructing school personnel
3 in the detection of child abuse and neglect and the proper action
4 that school personnel should take in suspected cases of child abuse
5 and neglect, including, but not limited to, an online training module
6 to be provided by the State Department of Social Services.

7 ~~(4) Establish guidelines and best practices for child abuse~~
8 ~~prevention; best practices for school personnel to prevent abuse,~~
9 ~~including sexual abuse, of children on school grounds, by school~~
10 ~~personnel, or in school-sponsored programs, and post on the~~
11 ~~department's Internet Web site links to existing training resources.~~

12 (b) School districts, county offices of education, state special
13 schools and diagnostic centers operated by the State Department
14 of Education, and charter schools shall do both of the following:

15 (1) Provide annual training, using the online training module
16 provided by the State Department of Social Services or as provided
17 in subdivision (c), to their employees and persons working on their
18 behalf who are mandated reporters, as defined in Section 11165.7
19 of the Penal Code, pursuant to this section and subdivision (d) of
20 Section 11165.7 of the Penal Code on the mandated reporting
21 requirements. Mandated reporter training shall be provided to
22 school personnel hired during the course of the school year. This
23 training shall include information that failure to report an incident
24 of known or reasonably suspected child abuse or neglect, as
25 required by Section 11166 of the Penal Code, is a misdemeanor
26 punishable by up to six months confinement in a county jail, or
27 by a fine of one thousand dollars (\$1,000), or by both that
28 imprisonment and fine.

29 (2) Develop a process for all persons required to receive training
30 pursuant to this section to provide proof of completing the training
31 within the first six weeks of each school year or within the first
32 six weeks of that person's employment. The process developed
33 under this paragraph may include, but not necessarily be limited
34 to, the use of a sign-in sheet or the submission of a certificate of
35 completion to the applicable governing board or body of the school
36 district, county office of education, state special school and
37 diagnostic center, or charter school.

38 (c) School districts, county offices of education, state special
39 schools and diagnostic centers operated by the State Department
40 of Education, and charter schools that do not use the online training

1 module provided by the State Department of Social Services shall
2 report to the State Department of Education the training being used
3 in its place.

4 (d) School districts, county offices of education, state special
5 schools and diagnostic centers operated by the State Department
6 of Education, and charter schools are encouraged to participate in
7 ~~child abuse prevention~~ training *on the prevention of abuse,*
8 *including sexual abuse, of children on school grounds, by school*
9 *personnel, or in school-sponsored programs,* and are also
10 encouraged to provide all school employees with *that* training ~~in~~
11 ~~child abuse prevention~~ at least once every three years.